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Attorneys for Plaintiff DAIMLER AG

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

DAIMLER AG,

Plaintiff,

VS.

A SPEC WHEELS & TIRES, LLC, et al.,

Defendants.

Case No.: 3:16-cv-01895-WHO

STIPULATION OF DISMISSAL AND PROPOSED ORDER

Pursuant to Fed. R. Civ. P. 41(a) and the Settlement Agreement between Daimler AG and A Spec Wheels & Tires, LLC entered into on March 30, 2017 (“Settlement Agreement”), Plaintiff Daimler AG (“Plaintiff”) and Defendants A Spec Wheels & Tires, LLC and Jun Huang

(collectively, “Defendants”), by and through their respective undersigned attorneys, hereby stipulate that:

1. The above-captioned action should be dismissed with prejudice.

2. Except as set forth in the Settlement Agreement, Plaintiff and Defendants shall bear their own attorney’s fees, expenses and costs.

3. The court shall retain jurisdiction to enforce the terms of the Settlement Agreement.

4. Defendants hereby acknowledge and agree that U.S. Design Patent No. D466,851, U.S. Design Patent No. D522,946, U.S. Design Patent No. D532,733, U.S. Design Patent No. D542,211, U.S. Design Patent No. D569,776, U.S. Design Patent No. D570,760, U.S. Design Patent No. D582,330, U.S. Design Patent No. D638,766, U.S. Design Patent No. D656,078, U.S. Design Patent No. D610,516, U.S. Design Patent No. D618,150, U.S. Design Patent No. D610,064, U.S. Design Patent No. D537,767, and U.S. Design Patent No. D516,990 (collectively, the “Asserted Design Patents”) are each valid and enforceable, as related to this action and the accused infringing products.

5. Defendants hereby acknowledge Daimler’s rights in and to the trademarks alleged in the Complaint, including its rights in U.S. Registration No. 657,386, U.S. Registration No. 3,259,691, U.S. Registration No. 41,127, U.S. Registration No. 285,557, U.S. Registration No. 3,614,891, U.S. Registration No. 4,423,458, U.S. Registration No. 1,660,727, U.S. Registration No. 3,305,055, U.S. Registration No. 1,807,353, and U.S. Registration No. 2,599,862 (collectively, the “Asserted Marks”), and that the Asserted Marks are each valid and enforceable, as related to this action and the accused infringing products. Defendants agree that they will not contest, or assist in the contest of, the validity or enforceability of the Asserted Patents and the

1 Asserted Marks, in any forum, including Federal Courts, United States Patent and Trademark
2 Office, and/or the International Trade Commission, except in any future action asserting
3 infringement related to any products other than the accused infringing products.
4

5 6. Defendants agree not to purchase, import, sell, distribute, or market automotive
6 wheels infringing the Asserted Patents or the Asserted Marks.

7 7. Defendants agree not to use any of Daimler's Asserted Marks in the U.S. or other
8 countries for automotive wheels or any goods and services related to automotive wheels.

9 Dated: March 30, 2017
10

11 THE MARBURY LAW GROUP, PLLC

ONE LLP

12 By: /s/ Shauna M. Wertheim
13 Shauna M. Wertheim

By: /s/ Stephen Michael Lobbin
Stephen Michael Lobbin

14 Attorneys for Plaintiff
15 DAIMLER AG

Attorneys for Defendants
A SPEC WHEELS & TIRES, LLC and
JUN HUANG

16 **Filer's Attestation:** Pursuant to Civil L.R. 5-1(i)(3), I attest under penalty of
17 perjury that concurrence in the filing of the document has been obtained from its signatory.
18

19 Dated: March 30, 2017
20

Respectfully submitted,

21
22 /s/ Shauna M. Wertheim
23 Shauna M. Wertheim

24 PURSUANT TO STIPULATION, IT IS SO ORDERED.

25 Date: March 31, 2017

26 
27 William H. Orrick
28 U.S. District Court Judge